

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JOANNE EVELYN SCHULTZ,**

Plaintiff,

vs.

**Case No. 08-C-919**

**THE GLIDDEN COMPANY,  
DURAKO PAINT AND COLOR CORP.,  
FB WRIGHT COMPANY,  
GAGE PRODUCTS COMPANY,  
HENTZEN COATINGS, INC.,  
HEXION SPECIALTY CHEMICALS, INC.,  
ICI PAINTS,  
ICI PAINTS NORTH AMERICA,  
PLASTI-KOTE INTERNATIONAL, INC.,  
PPG INDUSTRIES, INC.,  
THE SHERWIN WILLIAMS COMPANY,**

Defendants.

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**SCHEDULING ORDER**

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During the scheduling conference held by telephone in the above-entitled action on February 10, 2010, the plaintiff, appearing by Attorneys Allen M. Stewart and James D. Piel, the defendants, The Glidden Company, ICI Paints, and ICI Paints North America, appearing by Attorney Brandon Graef, the defendant Durako Paint and Color Corp., appearing by Attorney Ryan Braithwaite, the defendant Gage Products Company, appearing by Attorney Richard Rozyeki, the defendant FB Wright Company, appearing by Attorney Thomas A. Cabush, the defendant Hentzen Coatings, Inc., appearing by Attorney Bruce C. O'Neil, the defendant Hexion Specialty Chemicals, Inc., appearing by Attorney Nathan K. Johnson, the defendant Plasti-Kote International, Inc, appearing by Attorneys Terri L. Bruksch and James C. Reiher, the defendant PPG Industries, Inc., appearing by Attorney

Michael P. Russart, and the defendant The Sherwin Williams Company, appearing by Attorneys Christopher D. Stofko and Jeffrey K. Spoerk, agreed to the entry of the following order.

**IT IS ORDERED** that:

1. Rule 26(a)(1) initial disclosures by the plaintiff must be made on or before March 15, 2010.

2. Rule 26(a)(1) initial disclosures by the defendants must be made on or before April 15, 2010.

3. The parties must serve their initial discovery requests on or before April 15, 2010.

4. The parties may amend pleadings and add parties on or before May 15, 2010.

5. The Court will conduct a Telephonic Status Conference on July 14, 2010 at 10:00 a.m. (CT) to discuss possible changes to the length and date of the jury trial. All participants must dial into telephone number 1-866-360-7333 and provide conference ID #57441584.

6. On or before August 16, 2010, the plaintiff must notify the defendants of any expert witnesses the plaintiff may call at trial, and must submit with that notice a report containing all the information required by Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure, or the plaintiff will be barred from calling such witnesses as experts at trial.

7. The defendants shall depose the plaintiff's experts on or before November 16, 2010.

8. On or before January 15, 2011, the defendants must notify the plaintiff of any expert witnesses the defendants may call at trial, and must submit with that notice a report containing all the information required by Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure, or the defendants will be barred from calling such witnesses as experts at trial.

9. The plaintiffs shall depose the defendants' experts on or before April 15, 2011.

10. All requests for discovery must be served by a date sufficiently early so that all discovery in this case can be completed no later than April 15, 2011. Neither the pendency of motions nor settlement discussions will affect any of the dates set in this action, and neither will justify delays in the taking of discovery.

11. The parties shall conduct alternative dispute resolutions (mediation) on or before May 1, 2011.

12. Dispositive motions must be filed on or before May 15, 2011. When a motion for summary judgment is filed electronically utilizing the Court's Electronic Case Filing system, counsel must also provide this Chambers with a paper copy of the motion, and all accompanying briefs and papers.

13. This case will be tried to a jury. This case will be called for trial at 9:00 a.m. on October 24, 2011. The trial is estimated to last three weeks.

Dated at Milwaukee, Wisconsin this 16th day of February, 2010.

**BY THE COURT:**

s/ Rudolph T. Randa  
**Hon. Rudolph T. Randa**  
**U. S. District Judge**

## **PRETRIAL REPORT ORDER**

**IT IS ORDERED** that each party must file a pretrial report. Reports are due at least 14 days before the scheduled start of the trial or, if a final pretrial conference is scheduled, 7 days before the conference. The report must be signed by the attorney (or a party personally, if not represented by counsel) who will try the case. Sanctions, which may include the dismissal of claims and defenses, may be imposed if a trial report is not filed.

The report must include the following:

1. A short summary, not to exceed 2 pages, of the facts, claims and defenses;
2. A statement of the issues;
3. The names and addresses of all witnesses expected to testify. Any witness not listed will not be permitted to testify absent a showing of good cause;
4. A statement of the background of all expert witnesses listed;
5. A list of exhibits to be offered at trial sequentially numbered according to General L.R. 26 where practicable;
6. A designation of all depositions or portions of transcripts or other recordings of depositions to be read into the record or played at trial as substantive evidence. Reading or playing more than 5 pages from a deposition will not be permitted unless the Court finds good cause;
7. An estimate of the time needed to try the case; and,
8. If scheduled for a jury trial:
  - a. Any proposed voir dire questions;
  - b. Proposed instructions on substantive issues; and
  - c. A proposed verdict form.
9. If scheduled for a bench trial, proposed findings of fact and conclusions of law. (See Fed. R. Civ. P. 52).

In addition to completing a pretrial report, counsel are expected to confer and make a good faith effort to settle the case. Counsel are also expected to arrive at stipulations that will save time during the trial.